

June 9, 1939

Received for filing: The attached Rule and Regulation,
amendatory to Regulation (49), Price Posting, being included
in TITLE III--BREWERS AND BEER WHOLESALERS, adopted by the
Washington State Liquor Control Board on the 9th day of June,
1939 to become effective at 12:01 A.M., July 1, 1939.

FILED

JUN 9 1939

BELLE REEVES
SECRETARY OF STATE

Belle Reeves, Secretary of State

By *Ray J. Neuman*
Chief Clerk

DEFENDANT'S
EXHIBIT

CASE
NO. C04-0360P

EXHIBIT
NO. 423

TX423-001

Resp to Costco RFP
2830

C E R T I F I C A T I O N

FILED
JUN 9 1939

To the Honorable Belle Reeves
Secretary of State
State of Washington
Olympia

BELLE REEVES
SECRETARY OF STATE

THIS IS TO CERTIFY That the within Rule and Regulation,
amendatory to Regulation (49), Price Posting, being included in TITLE
III—BREWERS AND BEER WHOLESALERS, was adopted by the Washington
State Liquor Control Board on the 9th day of June, 1939 to become
effective at 12:01 A.M., July 1, 1939.

IN WITNESS WHEREOF The Washington State Liquor Control
Board has caused its name to be hereunder subscribed and its seal
affixed, this 9th day of June, 1939.

WASHINGTON STATE LIQUOR CONTROL BOARD

By

L. E. GREGORY - CHAIRMAN

ATTEST:

Genevieve Dolan, Acting Secretary

WASHINGTON STATE LIQUOR CONTROL BOARD

Olympia

The following amendment to Regulation (49), Price Posting, being a portion of TITLE III--BREWERS AND BEER WHOLESALERS, was adopted by the Board this 9th day of June, 1939, to become effective at 12:01 A.M., July 1, 1939.

Regulation (49), Price Posting, being a portion of TITLE III--BREWERS AND BEER WHOLESALERS, heretofore adopted by the Board, be and the same is hereby amended this 9th day of June, 1939, to read as follows:

(49) Price Posting--Filing Contracts

(a) Price Posting. Within the meaning of this regulation, the term "zone" shall mean such "zones" as shall from time to time be fixed and adopted by the board as trade areas within and for which price postings shall be made and filed as in this regulation provided.

Every licensed brewer and every beer importer shall file with the board at its office in Olympia price postings showing the wholesale prices at which any and all brands of beer manufactured by such brewer or imported by such beer importer shall be sold in each and every zone, which prices shall be uniform for all retail licensees in any particular zone. All price postings shall be made upon forms prepared and furnished by the board and shall set forth:

- (1) All brands, types, and packages of beer offered for sale by such brewer or beer importer.
- (2) The delivered sale prices thereof to retail licensees within each and every zone, including allowances, if any, for returned empty containers.

No beer wholesaler shall sell or offer to sell any package of beer to any retail licensee at a price differing from the price for such package as shown in the price posting filed by the brewer manufacturing such beer or by the beer importer importing such beer and then in effect.

No price posting shall become effective until ten days after the actual filing thereof with the board.

No price postings involving quantity discounts shall be made.

(b) Filing Contracts. Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler handling beer manufactured by such licensed brewer, which contracts or memorandums shall contain all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified the changed or modified contracts or memorandums shall forthwith be filed with the board.

Every beer importer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such importer may have with any out-of-state brewery whose beer such importer imports and with any beer wholesaler handling beer imported by such importer, which contracts or memorandums shall contain all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified the changed or modified contracts or memorandums shall forthwith be filed with the board.

No licensed brewer shall sell beer manufactured by such brewer to any beer wholesaler until copies of such written contracts or memorandums of such oral agreements with such wholesaler are on file with the board.

No beer importer shall sell any beer imported by such importer to any person whatsoever until copies of such written contracts or memorandums of such oral agreements with the out-of-state brewer manufacturing such beer are on file with the board; nor shall any beer importer sell any beer imported by such importer to any beer wholesaler until copies of such written contracts or memorandums of such oral agreements with such beer wholesaler are on file with the board.

(c) All price postings, contracts and memorandums filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(d) Any provision of this regulation may by order of the board be suspended or modified without notice to meet emergencies.

IT IS FURTHER ORDERED That the foregoing amended Regulation (49) become effective at 12:01 A.M., on the 1st day of July, 1939.

IT IS ORDERED That copies of the foregoing amended Regulation (49), Price Posting, being a portion of TITLE III—BREWERS AND BEER WHOLESALERS be filed in the office of the Secretary of State, and forthwith published in pamphlets, which pamphlets shall be distributed free at all state liquor stores and agencies and mailed to all

licensed brewers, beer wholesalers and beer importers.

WASHINGTON STATE LIQUOR CONTROL BOARD

By L. E. Gregory, Chairman

W. J. Lindberg, Member

Henry Gregerson, Member

ATTEST:

Genevieve Dolan, Acting Secretary

APPROVED AS TO FORM

Assistant Attorney General